



FAIR HOUSING FREQUENTLY ASKED QUESTIONS FOR LANDLORDS

- 1) I would like to limit the number of people in my apartments to two adults and two children. Is there a problem with this?

A. HUD's current general guideline is two persons per average-sized bedroom. In a two bedroom apartment, the tenants could be four adults, two adults and two children, or one adult and three children.

- 2) I have always had older persons renting my apartments. Why can't I keep it that way? It would be very upsetting to my current tenants to have children in the building.

A. You cannot rent just to older persons, unless you meet the qualifications for being designated as housing for older persons. You cannot choose particular tenants based on the preferences of your current tenants, if those preferences are based on any of the protected classes, i.e. race/color, sex, national origin, religion, marital status, disability, familial status, or ancestry.

- 3) I have a woman who wants to rent my house. I'm afraid she won't be able to maintain the yard and make repairs. Do I rent to her?

A. If she is an otherwise qualified tenant, you cannot refuse to

rent to her because of her sex. Many women are fully capable of maintaining a property, or they may choose to hire someone to do it for them. You can always check references, as long as you check for women and men.

- 4) I recently painted my apartments. Must I rent to people in wheelchairs who may bump into and mark the walls?

A. Yes. You cannot deny housing to qualified persons with disabilities. If there is damage that would be considered more than normal wear and tear, you may recover the repair costs through the damage deposit.

- 5) Can I refuse to rent to couples living together who are not married?

A. No. The City of Lincoln Municipal Code does include marital status as a protected class..

- 6) The apartments on the upper floors of my buildings have balconies. I don't think they're a safe place for children to play. Can I refuse these apartments to families with young children?

A. No. It is up to the parents or guardians who will be renting the apartment to decide if it is a suitable place for their family.

- 7) Can I set a dollar amount of income required of my applicants?

A. Yes, you may establish a reasonable minimum criteria necessary for the applicant to afford the unit. This standard should be applied uniformly to all applicants. Keep in mind that the income need not come from employment. Some people have

sufficient verifiable income from other sources that would enable them to qualify.

- 8) A young man came to look at an apartment, and he did not appear to be well. I'm afraid he has AIDS. Do I have to rent to him?

A. Yes. If he is otherwise qualified, you cannot refuse to rent to him because you believe he might have AIDS. A person with AIDS, or who is believed to have AIDS, is protected under the law from discrimination on the basis of physical disability. Current medical information is that AIDS is not contagious through casual contact; there is no danger to you or your tenants by renting to someone with AIDS.

- 9) A family with several children came to look at one of our apartments. The children were noisy and unruly, yelling and running in the hallways, and the parents made no attempt to control the children's behavior. Do I have to rent to this family?

A. No, if you have reason to believe the family would not take care of the property or would not abide by the rules. Checking references may give you some additional information about the past and present behavior of this family. You cannot refuse to rent to a person just because they have children, but you may refuse to rent to a person that you believe will not fulfill tenancy requirements, as long as you apply this rule equally among all tenants.

- 10) If an applicant or tenant requests an accommodation due to a disability, can a housing provider require documentation that he or she needs the accommodation?

A. A housing provider may ask an applicant or tenant to verify that they have a disability and need accommodation. The type of verification needed will depend on the specifics of the situation and may be provided by a doctor or other medical professional, a peer support group, or a service agency. However, the applicant or tenant is not required to tell the housing provider the specifics of their disability or to give the housing provider a full copy of their medical history. They only need to provide proof that they have a covered disability, that an accommodation is needed, and why the accommodation is needed, and why the accommodation they are proposing will be helpful.

- 11) Can a housing provider legally evict a tenant who has filed a fair housing complaint and is not delinquent on their rent?

A. A housing provider may follow previously established policies regarding non-payment of rent so long as the policy is being enforced consistently and in all situations, regardless of whether a tenant is involved in a fair housing complaint or not. Housing providers may take appropriate action that would be applied to all tenants. However, it is unlawful to retaliate against persons who file complaints, even where the discrimination complained of is not found.